

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSE VELASCO,
Plaintiff,

v.

DAN ELLIOT,
Defendant.

Case No.18-cv-03191-VKD

**ORDER TO SHOW CAUSE WHY
ACTION SHOULD NOT BE
DISMISSED**


Plaintiff Jose Velasco filed this action on May 29, 2018. Dkt. No. 1. He did not appear at the September 25, 2018 hearing on defendant Dan Elliot's motion to dismiss. Dkt. No. 26. On November 20, 2018, the Court granted Mr. Elliot's motion to dismiss with leave to amend. Dkt. No. 29. The deadline for Mr. Velasco to file an amended complaint or a motion for leave to file an amended complaint was December 4, 2018. *Id.* Mr. Velasco did not file an amended complaint or a motion for leave to file an amended complaint by the December 4 deadline.

The Court possesses the inherent power to dismiss an action sua sponte "to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–33 (1962). Accordingly, Mr. Velasco is directed to file a written response to this order by **December 14, 2018** and to appear before the Court on **December 18, 2018 at 10:00 a.m.** in Courtroom 2, Fifth Floor, 280 South First Street, San Jose, California 95113 and show cause why this action should not be dismissed without prejudice for failure to prosecute. Alternatively, Mr. Velasco may file a voluntary dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(i) by **December 14, 2018**. If a dismissal is filed, the Order to Show Cause hearing will be automatically vacated and plaintiffs need not file a statement in response to this Order.

IT IS SO ORDERED.

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Dated: December 7, 2018


VIRGINIA K. DEMARCHI
United States Magistrate Judge